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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision about the grant of consents under section 36 of the Electricity Act 1989 (“the 1989 Act”) to construct, extend or operate an offshore generating station in respect of which the Welsh Ministers are the appropriate authority.

For the purposes of these Regulations a reference to an application for consent under section 36 of the 1989 Act includes any application under section 36A of that Act for a declaration relating to public rights of navigation which is made with an application for consent under section 36 of the 1989 Act.

The Welsh Ministers are the appropriate authority in relation to applications made after 1 April 2019 under section 36 of the 1989 Act relating to generating stations (or proposed generating stations) in Welsh waters which have or will have a capacity not exceeding 350 megawatts.

“Welsh waters” means so much of the internal waters and territorial sea of the United Kingdom as are adjacent to Wales, and the Welsh zone. “Welsh Zone” has the meaning given in section 158 of the Government of Wales Act 2006.

These Regulations make provision about—

- (a) the making of applications;
- (b) service and publicity requirements;
- (c) the circumstances in which public inquiries are to be held; and
- (d) the scope of public inquiries where there are one or more relevant planning authorities.

These Regulations also make provision for the circumstances in which a notice required by these Regulations may be combined with a notice required by or under Schedule 16 to the Energy Act 2004.

They also make a consequential amendment to the Conservation of Habitats and Species Regulations 2017.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.